FILED

2008 MAY 13 PM 2:15

CLERK US DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

BY RM DEPUTY

NUNC PRO TUNC

MAY -9 2008

08CV0406 BEN (AJB)

Copy

CLERK'S OFFICE U.S.D.C.
LOS ANGELES
1/14/2008 9:15:12 AM Receipt #: 103379
Cashier : ABELLAMY [LA 1-1]
Paid by: TRACEY JOHNSON ← Spouse
2:CV08-00010
2008-086900 Writ Habeas Corpus(1)
Amount : $5.00

M.O. Payment : P3826 / 5.00

Total Payment : 5.00

(= NO REFUNDS WITHOUT WHITE RECEIPT =)

Case 3:08-cv-00406-BEN-AJB Document 3-5 Filed 06/13/2008 Page 2 of 6

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

EDWARD REYNIR SULLIVAN, Petitioner,

v.

MATTHEW MARTELL, Warden Respondent.

Civil No. 08-0406 BEN (AJB)

ORDER DISMISSING CASE WITHOUT PREJUDICE AND WITH LEAVE TO AMEND

On January 14, 2008, Petitioner, a state prisoner proceeding pro se, filed a Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254 in the United States District Court for the Central District of California. On March 3, 2008, the case was transferred to this Court.

It appears from the docket forwarded by the Central District that Petitioner has failed to pay the $5.00 filing fee and has failed to move to proceed in forma pauperis. Because this Court cannot proceed until Petitioner has either paid the $5.00 filing fee or qualified to proceed in forma pauperis, the Court **DISMISSES** the case without prejudice and with leave to amend. *See* Rule 3(a), 28 U.S.C. foll. § 2254. If Petitioner wishes to proceed with this case, he must submit, **no later than May 12, 2008**, a copy of this Order with the $5.00 fee or with adequate proof of

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his inability to pay the fee. The Clerk of Court shall send a blank Southern District of California In Forma Pauperis Application to Petitioner along with a copy of this Order.

IT IS SO ORDERED.

DATED: March 5, 2008

Hon. Roger T. Benitez
United States District Judge

FILED
CLERK, U.S. DISTRICT COURT
JAN 14 2008 8:56
CENTRAL DISTRICT OF CALIFORNIA
BY DEPUTY

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

EDWARD REYNIR SULLIVAN PLAINTIFF(S) V. **MATTHEW MARTELL, WARDEN** DEFENDANT(S)	CASE NUMBER **CV08- 210 JFW (E)** **NOTICE OF REFERENCE TO A UNITED STATES MAGISTRATE JUDGE (Petition for Writ of Habeas Corpus)**

Pursuant to General Order 07-02, the within action has been assigned to the calendar of the Honorable John F. Walter, U.S. District Judge. Pursuant to General Order 05-07, the within action is referred to U.S. Magistrate Judge Charles Eick, who is authorized to consider preliminary matters and conduct all further hearings as may be appropriate or necessary. Thereafter, unless the Magistrate Judge determines that an evidentiary hearing is required, the Magistrate Judge shall prepare a report and recommendation and file it with the Clerk of the Court which may include proposed findings of fact and conclusions of law where necessary or appropriate, and may include a proposed written order or judgment, which shall be mailed to the parties for objections.

Pleadings and all other matters to be called to the Magistrate Judge's attention shall be formally submitted through the Clerk of the Court.

The Court must be notified within fifteen (15) days of any address change. If mail directed by the clerk to your address of record is returned undelivered by the Post Office, and if the Court and opposing counsel are not notified in writing within fifteen (15) days thereafter of your current address, the Court may dismiss the petition with or without prejudice for want of prosecution.

Clerk, U.S. District Court

January 14, 2008
Date

By LHORN
Deputy Clerk

SHERRI R. CARTER
District Court Executive
and Clerk of Court

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION
312 North Spring Street, Room G-8 Los Angeles, CA 90012
Tel: (213) 894-7984

SOUTHERN DIVISION
411 West Fourth Street, Suite 1053
Santa Ana, CA 92701-4516
(714) 338-4570

EASTERN DIVISION
3470 Twelfth Street, Room 134
Riverside, CA 92501
(951) 328-4450

Monday, January 14, 2008

EDWARD R. SULLIVAN, K-32127
C.R.C./ 308-25L
P.O. BOX 3535
NORCO, CA 92860

Dear Sir/Madam:

A [X] Petition for Writ of Habeas Corpus was filed today on your behalf and assigned civil case number CV08- 210 JFW (E)

A [ ] Motion pursuant to Title 28, United States Code, Section 2255, was filed today in criminal case number and also assigned the civil case number

Please refer to these case numbers in all future communications.

Please Address all correspondence to the attention of the Courtroom Deputy for:

[ ] District Court Judge ____________________

[X] Magistrate Judge **Charles Eick**

at the following address:

[X] U.S. District Court
312 N. Spring Street
Civil Section, Room G-8
Los Angeles, CA 90012

[ ] Ronald Reagan Federal
Building and U.S. Courthouse
411 West Fourth St., Suite 1053
Santa Ana, CA 92701-4516
(714) 338-4750

[ ] U.S. District Court
3470 Twelfth Street
Room 134
Riverside, CA 92501

The Court must be notified within fifteen (15) days of any address change. If mail directed to your address of record is returned undelivered by the Post Office, and if the Court and opposing counsel are not notified in writing within fifteen (15) days thereafter of your current address, the Court may dismiss the case with or without prejudice for want of prosecution.

Very truly yours,

Clerk, U.S. District Court

By: LHORN
Deputy Clerk

Edward Reynir Sullivan
NAME
K32127 308-25L
PRISON IDENTIFICATION/BOOKING NO.
Post Office Box 353 (CRC-Norco)
ADDRESS OR PLACE OF CONFINEMENT
Norco, CA 92860-0991

Note: It is your responsibility to notify the Clerk of Court in writing of any change of address. If represented by an attorney, provide his name, address, telephone and facsimile numbers, and e-mail address.

FILED
CLERK, U.S. DISTRICT COURT
JAN 14 2008
CENTRAL DISTRICT OF CALIFORNIA
BY DEPUTY
Y:54

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

EDWARD REYNIR SULLIVAN
FULL NAME (*Include name under which you were convicted*)
Petitioner,

v.

(50)

MATTHEW MARTELL, Warden
NAME OF WARDEN, SUPERINTENDENT, JAILOR OR AUTHORIZED PERSON HAVING CUSTODY OF PETITIONER
Respondent.

CASE NUMBER:
CV CV08-00210 JFW(E)
To be supplied by the Clerk of the United States District Court

☐ ________________ AMENDED

PETITION FOR WRIT OF HABEAS CORPUS BY A PERSON IN STATE CUSTODY
28 U.S.C. § 2254

PLACE/COUNTY OF CONVICTION San Diego County
PREVIOUSLY FILED, RELATED CASES IN THIS DISTRICT COURT
(*List by case number*)
CV ________________
CV ________________

INSTRUCTIONS - PLEASE READ CAREFULLY

1. To use this form, you must be a person who either is currently serving a sentence under a judgment against you in a California state court, or will be serving a sentence in the future under a judgment against you in a California state court. You are asking for relief from the conviction and/or the sentence. This form is your petition for relief.
2. In this petition, you may challenge the judgment entered by only one California state court. If you want to challenge the judgment entered by a different California state court, you must file a separate petition.
3. Make sure the form is typed or neatly handwritten. You must tell the truth and sign the form. If you make a false statement of a material fact, you may be prosecuted for perjury.
4. Answer all the questions. You do not need to cite case law, but you do need to state the federal legal theory and operative facts in support of each ground. You may submit additional pages if necessary. If you do not fill out the form properly, you will be asked to submit additional or correct information. If you want to submit a legal brief or arguments, you may attach a separate memorandum.
5. You must include in this petition all the grounds for relief from the conviction and/or sentence that you challenge. And you must state the facts that support each ground. If you fail to set forth all the grounds in this petition, you may be barred from presenting additional grounds at a later date.
5. You must pay a fee of $5.00. If the fee is paid, your petition will be filed. If you cannot afford the fee, you may ask to proceed *in forma pauperis* (as a poor person). To do that, you must fill out and sign the declaration of the last two pages of the form. Also, you must have an authorized officer at the penal institution complete the certificate as to the amount of money and securities on deposit to your credit in any account at the institution. If your prison account exceeds $25.00, you must pay the filing fee.
6. When you have completed the form, send the original and two copies to the following address:

Clerk of the United States District Court for the Central District of California
United States Courthouse
ATTN: Intake/Docket Section
312 North Spring Street
Los Angeles, California 90012

LODGED
CLERK, U.S. DISTRICT COURT
JAN 11 2008
CENTRAL DISTRICT OF CALIFORNIA
BY DEPUTY
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